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EXAMINER

LUONG, ALAN H

ART UNIT	PAPER NUMBER
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2427

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/670,973	Applicant(s) KIM ET AL.	
	Examiner ALAN LUONG	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 50-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 50-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/17/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Art unit is changed into 2427

Response to Amendment

This Office Action is responsive to the Amendment filed on 09/18/2008.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-4, 7-8, 14, 50- 53, 56-57, and 63** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2003/0021593 A1 (hereafter US'593) published by Otsuka et al., in view of US Pub. No. 2003/0055912 A1 (hereafter US'912) published by Bruke K. Martin Jr. (hereafter Martin) et al..

Regarding to claims 1, 50: Otsuka discloses a method and an apparatus for connecting a media player to a network (optical disc player 100 having network access capability; **see US'593, ¶0016 line 2**), the method comprising a network interface 110 (e.g. an interface to the Internet, **see FIG. 1, ¶0016 lines 8-9**) **while reproducing data recorded on an enhanced navigation medium** (the HTML menu controls the playback of the video content stored on the local optical disc 116); (**see FIG. 2B, ¶0019**);

processing connection information recorded on the enhanced navigation medium to determine whether connection to the remote server is permitted (In

user agent mode, the optical disc player is configured to run a user agent program (e.g. a browser) to allow a user to access website documents on a network or stored in the local optical disc 116, and perform various functions associated with the website document. **See Fig. 1; ¶0016; ¶0017 lines 8-17 and Fig. 3, ¶0043 lines 7-15).**

However, Otsuka explicitly fails to teach processing a request for connecting to a remote server, network connection information and requesting connection to the remote server, if connection to the remote server is permitted in accordance with the connection information.

In an analogous art directed toward a similar problem namely improving the results from the controlling network connection between device and network. Fig. 2 of Martin illustrates a flow diagram of network browser request processing 200 is activated when a URL request is ready to be transmitted to a remote server on the network, (see **US'912, Fig. 2, ¶0042-¶0046)** meets the limitation of “processing a request for connecting to a remote server and requesting connection to the remote server, if connection to the remote server is permitted in accordance with the connection information”, Martin also teaches network connection information (**see US'912, FIG. 1, ¶0039-¶0040 and ¶0044 lines 8-15).**

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention of Otsuka was made to modify the method for connecting a media player to a network of Otsuka with the connection request to remote servers as taught by Martin, in order to provide a need for improved ways to control network connections and thus quality of service for devices connecting to a network.

Regarding to claims 2, 51: The method of Otsuka and Martin in claim 1, Otsuka also teaches a start-up file that is read prior to reproduction of the data recorded on the enhanced navigation medium (**US'593, FIG. 3, ¶0041**).

Regarding to claims 3, 52: The method of Otsuka and Martin in claim 2, Otsuka further teach wherein the start-up file comprises information associated with a list of additional contents to be loaded before the data on the enhanced navigation medium is reproduced (**US'593, FIG. 1, ¶0017line 8-17**).

Regarding to claims 4, 53: In the claim 2, the method of Otsuka and Martin, Otsuka also teaches wherein the start-up file comprises information associated with a right to reproduce the data recorded on the enhanced navigation medium (restrict the operation to one particular mode. Such as, for example, the program may cause the optical disc player to operate in video playback mode in order to display a particular video segment while restricting the user from changing the mode, **see ¶0020**).

Regarding to claims 7, 56: Otsuka and Martin teach the start-up file in the method of claim 2, Otsuka also teaches wherein the start-up file comprises information associated with memory management (If the startup file is present, the processor 102 under the control of the operating system loads a program interpreter from non-volatile memory 108 to read and execute the start-up interactive program. **See FIG. 3, ¶0041**).

Regarding to claims 8, 57: The method of claim 2, Otsuka further teaches wherein the start-up file comprises information associated with a file (program interpreter) to be processed after the start-up file is processed (by processor 102, **¶see 0043**).

Regarding to claims 14, 63: Otsuka and Martin teach the method of claim 1, Martin also teaches wherein the connection information comprises at least one connection address for connecting to the remote server (A Universal Resource Locator-URL request is simply a request by the network browser for a resource located at a particular network address on a network. **See ¶0048 lines 11-13**), and (In other words, the network browser request processing 200 is activated when the URL request is ready to be transmitted to a remote server on a network being browsed by the network browser. **See ¶0043 lines 6-8**).

3. Claims **5, 54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka et al., in view of Martin et al.; further in view of US Pub. No. 2002/0006094 A1 published by Teramoto.

Regarding to claims 5, 54: The method of Otsuka and Martin teach the start-up file in claim 2, but fail to teach wherein the start-up file comprises information associated with a region code.

Teramoto, the same field of DVD reproduction method, teaches the method of recording medium reproduction wherein comprises information associated with a region code (**US'094, Figs. 1, 2, ¶0038, ¶0041-¶0042, ¶0044-¶0046**). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention of Otsuka and Martin was made to modify the start up file in method of Otsuka and Martin with the region code of DVD medium as taught by Teramoto, in order to restrict and control reproducing data recorded on the enhanced navigation medium by the region or countries.

4. Claims **9, 10, 15-20, 58, 59, 64-69** are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka and Martin et al ; in view of US Pub. No.2004/0073941 A1 issued to Ludvig et al.

Regarding to claims 9, 10, 58 and 59: Otsuka and Martin teach the method of claim 1, but fail to teach wherein the connection information comprises a list of servers to which the media player may or may not connect.

Ludvig; in the field of web content conversion; teaches a list of servers (the source download/transcode server 216 is often referred to as the "server", "download server", "transcode server", "iWPG Server", and so on, each name being representative of the particular functionality that is being discussed at the time; **see US'941, Fig. 1, ¶0034**); external data source(s) 104 represent a Web server and any number of other types of network servers such as an EPG server, a VOD server, and so on; **see US'941, Fig. 1, ¶0021**) to which the media player (at user site) may connect or may not connect (Source content 112 may be authored to reference a limited or closed set of resources such as those presented via a walled garden Web site that walled garden content does not reference resources that are outside of the walled garden. This constrains user navigation to predetermined boundaries, providing transitive closure that is in contrast to an open set of resources, wherein there is no such closure. Source content may also reference content that does not

provide such transitive closure, for example, by referencing a co-hosted application on the target-set top box 116. This is accomplished via an embedded intrinsic event handler. These and other aspects of authored Source content 112 are described in greater detail below; see **Fig. 1, ¶0022-¶0024**). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify the request DVD connecting method of Otsuka and Martin with the communication type of servers and web content by Ludvig; in order to be performed by the WWW content provider prior to transferring any information (i.e., Web content that has been converted by WWW content providers into a different data format for broadcast to subscribers) to a service provider for subsequent distribution to viewers.

Regarding to claims 15, 64: Otsuka and Martin teach the method of claim 1 wherein a start-up file comprises the connection information, but fail to teach wherein the start-up file comprises information associated with a walled-garden file comprising location information about at least one server.

Ludvig, in the field of web content conversion, teaches the information associated with a walled-garden file (Source content 112 represents walled garden Web content such as that formatted in Hypertext Markup Language (HTML). For purposes of this discussion, source content 112 further includes dynamic HTML (DHTML) content. DHTML, as is known, may include combinations of Java applets, JScripts and

JavaScript, Flash animation, marquees, META-tag refreshes, and so on; **see US'941, Fig. 1, ¶0022**) comprising location information (Head-end 102 downloads and transcodes the source content into an iWGP that conforms to represented font(s) and language(s) as a function of the particular font and/or language packs that are installed at the particular head-end 102; **see ¶0023**) about at least one server (The head-end server dynamically transcodes the downloaded source content into an interactive walled garden program (iWGP); **see ¶0007**). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the request DVD connecting method of Otsuka and Martin with the information associated with a walled-garden file comprising location information as taught by Ludvig; in order to be performed by the WWW content provider prior to transferring any information (i.e., Web content that has been converted by WWW content providers into a different data format for broadcast to subscribers) to a service provider for subsequent distribution to viewers.

Regarding to claims 16, 17, 65 and 66: Neither Otsuka nor Martin teaches the method of claim 15 wherein the walled-garden file comprises information about at least one server to which the media player may connect or may not connect to retrieve additional contents associated with the data recorded on the enhanced navigation medium.

Ludvig, in the field of web content conversion, teaches wherein the walled-garden file comprises information about at least one server to which the media player (the source download/transcode server 216, downloads and dynamically converts source content 112 representing a walled garden into an iWPG for substantially optimized bandwidth utilization during delivery to set-top box(es) 116; Server 216 downloads source content 112 (FIG. 1) from one or more external data sources 104. The server may rely on Internet, intranet, and/or Virtual Private Network (VPN) access (e.g., via a local provider) from within the headend to fetch and receive the source content. **See US'941, Fig. 2, ¶¶0034, ¶0039)** may connect or may not connect to retrieve additional contents (The process of converting downloaded source content 112 into an iWPG 107 is called transcoding. Because transcoding is performed at the head-end 102, source content author(s) do not need pre-existing knowledge of the data transport infrastructures of a head-end or the target clients 116; a single instance of authored source content 112 can be dynamically converted, by any number of head-ends 102, to iWGP 107 for delivery to any number of clients, regardless of whether the respective head-ends utilize different respective server, client, and/or digital signal transport infrastructures; **see US'941, Fig. 2, ¶0035)**; associated with the data recorded on the enhanced navigation medium (iWGP navigator module 124 has been

downloaded into memory 522 of set-top box 116, along with APIs 504 for interfacing the iWGP navigator module to operating system 502 of the set-top box; **see US'941, ¶0092**), (iWGP navigator 124 enables the subscriber to browse iWGP(s) 107 broadcast on the cable network. The user can launch the navigator from other co-hosted set-top applications, such as from a menu within the EPG. Once an iWGP is launched, the subscriber may navigate from one still 232 to another still 232 and from one program 107 to another program 107; **see US'941, ¶0093**). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the request DVD connecting method of Otsuka and Martin with the walled-garden file including information about at least one server to which the media player connect to retrieve additional contents associated with the data recorded on the enhanced navigation medium as taught by Ludvig; in order to support design and transformation activities are generally labor intensive and time consuming. Note, these design and transformation activities must be performed by the WWW content provider prior to transferring any information (i.e., Web content that has been converted by WWW content providers into a different data format for broadcast to subscribers) to a cable head-end for subsequent distribution to viewers.

Regarding to claims 18, 67: Otsuka, Martin fails to teach the walled-garden file comprises at least one entry associated with loading information that controls access to information available on the at least one server .

Ludvig, in the field of web content conversion, teaches wherein the walled-garden file comprises at least one entry associated with loading information (the source download/transcode server 216 downloads and dynamically converts source content 112 representing a walled garden into an iWPG for substantially optimized bandwidth utilization during delivery to set-top box(es) 116. Server 216 downloads source content 112 (FIG. 1) from one or more external data sources 104. The server may rely on Internet, intranet, and/or Virtual Private Network (VPN) access (e.g., via a local provider) from within the headend to fetch and receive the source content; that controls access to information available on the at least one server (see US'941, ¶0034). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the request DVD connecting method of Otsuka and Martin with the walled-garden file including information about at least one server to which the media player connect to retrieve additional contents associated with the data recorded on the enhanced navigation medium as taught by Ludvig; in order to support design and transformation activities are generally labor intensive and time consuming. Note, these design and transformation activities must be performed by the WWW content provider prior to transferring any information (i.e., Web content that has been converted by WWW content providers into a different data format for broadcast to subscribers) to a cable head-end for subsequent distribution to viewers.

Regarding to claims 19, 68: In the claim 18 above; Ludvig also teaches a condition for loading information (a single instance of authored source content 112 can be dynamically converted, by any number of head-ends 102, to iWGP 107 for delivery to any number of clients, regardless of whether the respective head-ends utilize different respective server, client, and/or digital signal transport infrastructures; **see US'941, ¶0035**) available on the at least one server (The download server/transcoder component (216 of Fig. 2; **see US'941, ¶0039**).

Regarding to claims 20, 69: In the claim 19 above; Ludvig also teaches information comprise a language or a profile supported by the media player (the configuration data 230, for each URL identifying source content 112, further indicates at least a portion of the following: an iWGP name; (**¶0041**) a program application ID; (**¶0042**) a source capture rate; (**¶0043**), a program transport rate; (**¶0044**), a parental control rating; **¶0045**) etc. **Also see ¶0046-¶0047**).

5. Claims **6, 11-13, 55 and 60-62** are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka et al. and Martin et al.; further in view of US Pub. No. 2003/0161615 A1 published by Tsumagari (hereinafter US'615).

Regarding to claims 6, 55: Otsuka and Martin teach the start-up file in the method of claim 2, but explicitly fail to teach wherein the start-up file comprises information associated with a language of the additional contents.

Tsumagari, the same endeavor, teaches wherein the start-up file comprises information associated with a language of the additional contents ("DVD status signal" indicating property information (e.g., an audio language, sub-picture caption language. **See US'615 ¶¶0091 lines 11-16, also ¶¶0065, ¶¶0066**). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to add information associated with a language of the additional contents as taught by Tsumagari, in the method of Otsuka and Martin; in order to select the sound quality and subtitle language of DVD medium content in initial set up.

Regarding to claims 11, 60: Otsuka and Martin teach the method of claim 1, but fail to teach the data recorded on the enhanced navigation medium comprises audio/video (A/V) data.

Tsumagari, the same endeavor, teaches wherein the data recorded on the enhanced navigation medium comprises audio/video (A/V) data (**US'615, FIG. 1, ¶¶0058, ¶¶0068, and ¶¶0372-¶¶0378**). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine audio/video (A/V) data on the ENAV medium as taught by Tsumagari in the method of Otsuka and Martin, in order to decode audio/video (A/V) data in video play back mode.

Regarding to claims 12, 61: Otsuka, Martin and Tsumagari teach the method of claim 11, Tsumagari further teaches wherein the data recorded on the enhanced navigation medium comprises additional contents associated with the A/V data (**US'615, FIG. 1, ¶¶0065, ¶¶0068, ¶¶0372-¶¶0378**).

Regarding to claims 13, 62: Otsuka, Martin and Tsumagari teach the method of claim 12, Tsumagari further teaches, wherein the A/V data and the additional contents are reproduced in synchronization (**US'615, ¶0067, lines 10-13 and ¶0380**).

Response to Arguments

Applicant's arguments filed 09/18/2008 have been fully considered but they are not persuasive.

Applicants respectfully argue that Otsuka does not disclose or suggest "connection information ... to determine whether connection to the remote server is permitted." (Remark, page 5). Examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Otsuka teaches "the HTML menu controls the playback of the video content stored on the local optical disc 116, the website document may include a frame window for displaying the video content stored on the local optical disc 116); (**see FIG. 2B, ¶0019**); (in the user agent mode, in step 314 the processor [102 of Fig. 1] under the control of the program interpreter activates the user agent program which displays the appropriate HTML menu, and disables the video menu. In step 316, a user can use the HTML menu to perform web related function, such as retrieving a web document from a network coupled to the network interface 110 or a web document stored on the local

optical disc 116)". (**¶0043 lines 7-15**) meets the limitation of "processing connection information recorded on the enhanced navigation medium to determine whether connection to the remote server is permitted".

Addition, Applicants points out "the connection information of Martin is not information to determine "whether a connection to a specific remote server is permitted." The connection information of Martin is information on how to use a certain network". (Remark, page 6). Examiner respectfully disagrees.

In this case, claim 1 cites "connection information" is too broadening which includes "the connection information" (**Martin, ¶0044 lines 8-15**) as taught by Martin. Furthermore, Martin points out the network browser request processing 200 is activated when **a URL request is ready to be transmitted to a remote server on a network being browsed by the network browser (Martin, ¶0043)**; the examiner's opinion meets limitation of "whether a connection to a specific remote server is permitted"

Finally, Applicants none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claims 1 and 50. (Remark, page 7). Examiner respectfully disagrees.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Otsuka reference teaches “while reproducing data recorded on an enhanced navigation medium, processor processes connection information recorded on the enhanced navigation medium to determine whether connection to the remote server is permitted”, combining with Martin reference discloses “the connection information for processing a request for connecting to a remote server and requesting connection to the remote server, if connection to the remote server is permitted in accordance with the connection information”, as above discussion, the examiner’s opinion that Otsuka and Martin references meets all limitation of claims 1, 50.

Therefore, it is respectfully submitted that a prima facie case of obviousness has in fact been established and the rejection should be sustained and clarified.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/
Primary Examiner, Art Unit 2421

01/02/2009

/ALAN LUONG/
Examiner, Art Unit 2427